IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 26603 of 2003(P)

PETITIONER:

O.T. THEYYAN,
TAHSILDAR, NILAMBUR,
AYODHYA,
ANAKKAYAM POST, MANJERI,
MALAPPURAM DISTRICT.

BY ADV. SRI.M.K.DAMODARAN
SRI.P.K.VIJAYAMOHANAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, REVENUE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR LAND REVENUE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE GAZETTE NOTIFICATION DT.8.3.2001.

P2: .DO. DT.12.9.2002.

P3: TRUE COPY OF THE GOVT. ORDER DT.25.9.2002.

P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE R1 DT.7.10.2002.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.26603 of 2003

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Dated this the 27th day of February, 2007.

JUDGMENT

The petitioner was suspended on 30.7.2003 that is, the date on which he ought to have retired from service. According to the petitioner, petitioner was superseded and before retirement, he should have got even promotion as Deputy Collector along with others similarly placed. It is stated in the counter affidavit that petitioner was suspended on account of several irregularities including missing of files entrusted to the petitioner. The counter states that the punishment imposed by the Collector i.e. barring one increment without cumulative effect, is cancelled by the Government, probably to enhance the punishment. Since petitioner is retired from service nearly four years back, it is the duty of respondents to finalise whatever is the proceeding based on which he was suspended. After enquiry, if suspension is found to be irregular and petitioner was eligible for promotion, still petitioner should be given notional promotion with effect form the due date on which he ought to have been promoted. On the other hand if there is a case for disciplinary action, it is for the respondents to finalise the same and communicate the result of the same to the petitioner.

The W.P. is disposed of with direction to the Government to finalise disciplinary proceedings after issuing notice to the petitioner and after hearing him within a period of three months from the date of production of copy of this judgment by the petitioner. All consequential benefits should be given to the petitioner immediately after finalisation of disciplinary action.

C.N.RAMACHANDRAN NAIR
Judge

pms